

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
DENVER MCFADDEN,	:
	:
Plaintiff,	:
	:
- against -	:
	:
CITY OF NEW YORK, et al.,	:
	:
Defendants.	:
	:
-----X	

19-CV-5508 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

On January 24, 2022, I ordered that the stay in this action be vacated and the Clerk of Court issue summonses to Dr. Erick Eiting (“Eiting”), New York Police Department (“NYPD”) detectives Peter Lumina (“Lumina”) and Austin Morange (“Morange”), and NYPD sergeant Al Cantora Ooal (“Ooal, and, collectively with Eiting, Lumina, and Morange, the “New Defendants”). (Doc. 65.) I noted that there were no further deadlines to comply with until the New Defendants were served process or until I entered a further order setting deadlines. (*Id.*)

I informed Plaintiff that it is his responsibility to inquire of the U.S. Marshals Service as to whether service has been made and if necessary, to request an extension of time for service, and warned that if within 90 days of issuance of the summons, Plaintiff has not made service or requested an extension of time in which to do so, under Rules 4(m) and 41(b) of the Federal Rules of Civil Procedure, the Court may dismiss this action for failure to prosecute.

On March 15, 2022, pro se Plaintiff filed a letter indicating that he had identified four John Doe Defendants and that he wished to have them served so they can be added as parties to this action. (*See* Doc. 67.) Of the four Defendants identified in Plaintiff’s letter, three were

already named in my January 24, 2022 Order of Service, and one appeared to be a correction of a name listed in that Order of Service. (Compare id. at 3–4, with Doc. 65, at 4.) In light of this, on April 18, 2022, I directed the Clerk of Court to issue a summons to Alcantara Odaliza. (Doc. 68.)

As of the date of this filing, the U.S. Marshals Service filed process receipts and returns indicating that they could not execute service on Erick Eiting, (Doc. 71), or Alcantra Odaliza, (Doc. 72.) Accordingly, it is hereby

ORDERED that Plaintiff file updated addresses for Erick Eiting and Alcantra Odaliza by October 10, 2022 in order for the Marshals Service to effect service.

The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff.

SO ORDERED.

Dated: September 26, 2022
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written in a larger, more prominent script, and "Broderick" follows in a similar but slightly smaller script. The signature is positioned above the printed name and title.

Vernon S. Broderick
United States District Judge

NEW DEFENDANTS AND SERVICE ADDRESSES

1. Erick Eiting, M.D.
854 West 181st Street
Apartment 3D
New York, New York 10033
2. Peter Lumina
1 Police Plaza
New York, New York 10038
3. Austin Morange
1 Police Plaza
New York, New York 10038
4. Al Cantora Ooal
1 Police Plaza
New York, New York 10038